IN THE HIGH COURT OF JUDICTURE FOR RAJASTHAN AT JODHPUR.

O R D E R

State of Rajasthan. Versus The Labour Court, Bikaner & ors.

S.B. Civil Writ Petition No.1175/2005

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Date of Order: January 04, 2007

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Rameshwar Dave, Deputy Govt. Advocate.
Mr. R.S. Saluja, counsel for the non-petitioners.

BY THE COURT:

By the instant writ petition under Articles 226 and 227 of the Constitution of India, the petitioner seeks quashing of the Award Annx.6 dated 12-11-2003 made by the Labour Court, Bikaner in Labour Dispute Case No.25/93, whereby while answering the reference made by the State Government vide notification No. P.1 (1) 795 (Shr.Ni.)/92 dated 2-12-1992, held that the services of the workman/non-petitioner No.3 Banne Singh were illegally terminated by the non-petitioner No.2 the Block Development Officer, Panchayat Samiti, Churu with effect from 30-6-1986 and, therefore, the termination of the services of the workman/non-petitioner No.3 were held to be against the law and directed to reinstate the workman/non-petitioner No.3

and pay him a sum of Rs.5000/- as compensation.

Learned counsel for the non-petitioners submits that there is no award against the petitioner State of Rajasthan or the Medical Officer and the award has been made specifically against the non-petitioner No.2 the Block Development Officer, Panchayat Samiti, Churu and, therefore, the petitioner is not aggrieved by the impugned award.

On careful perusal of the Award Annx.6 dated 12-11-2003, it appears that the non-petitioner claimed relief against the Block Development Officer, Panchayat Samiti, Churu and came with the case that his services were illegally terminated by the non-petitioner No.2 without compliance of the provisions of Section 25-F of the Industrial Disputes Act, 1947 and, therefore, the retrenchment of the non-petitioner No.3 was against the provisions of law. The aggrieved person has not challenged the Award and, therefore, in my view, the petitioner State of Rajasthan or the Medical Officer Incharge, Primary Health Centre, Ratan Nagar, cannot be said to be aggrieved by the impugned award and, therefore, the writ petition is liable to be dismissed.

Learned counsel for the non-petitioners submits that the non-petitioner No.3 has no grievance against the State of Rajasthan or the Medical Officer as he does not seek reinstatement or recovery of amount from the petitioner State.

In this view of the matter, the petitioner State of Rajasthan cannot be said to be an aggrieved party and, therefore, the writ petition is liable to be dismissed.

In the result, the writ petition is dismissed. However, it is made clear that the workman/non-petitioner No.3 shall not proceed against the petitioner, in view of the statement of the learned counsel for the non-petitioner No.3, in any manner in pursuance of the impugned award Annx.6 dated 12.11.2003.

(H.R. PANWAR), J.

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